

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 9, 1948

10:45 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call:

Present: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Absent : None

Present also: Guiton Morgan, City Manager; Trueman E. O'Quinn, City Attorney; J. E. Motheral, Director of Public Works; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

Councilman Glass introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN BY AMENDING SECTIONS 22(e), 22(f), 23(b) and 23(d), OF ARTICLE IV. RELATING RESPECTIVELY TO ONE HOUR PARKING, TWO HOUR PARKING, PASSENGER ZONE, AND LOADING ZONE LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Glass moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The ordinance was read the second time and Councilman Glass moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
 Noes : None

The ordinance was read the third time and Councilman Glass moved that the ordinance be finally passed. The motion carried by the following vote:
 Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
 Noes : None

The Mayor then announced that the ordinance had been finally passed.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the land hereinafter described was sold to the City of Austin for taxes by Sheriff's deed dated April 17, 1909; and

WHEREAS, all taxes for which such sale was made have been fully paid;
 Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Guiton Morgan, City Manager, be and he is hereby authorized and directed to execute a quitclaim deed for and on behalf of the City of Austin to Mrs. A. R. Valdez, and to her successors in title, conveying all right, title, and interest of the City of Austin in and to Lots Nos. 6, 7, and 8, Block 2, Outlots 34 and 46, Division 0, Welch Subdivision, in the City of Austin Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
 Noes : None

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
 AUSTIN, TEXAS
 ZONING CHANGE RECOMMENDATION .

Applicant: Mr. and Mrs. Sandy Fletcher, by John S. Chase, Agent.

- I. Referred to the Board by the City Council on : November 24, 1948
- II. Property affected: The East 48' of Lot 6, Block 1, Outlot 35, being located at the northwest corner of Poquito and East 18th Streets and locally known as 1910 East 18th Street
- III. To be changed:
 - From : "A" Residence District and First Height and Area District
 - To : "B" Residence District and First Height and Area District

IV. Considered by the Board on : December 7, 1948

V. Parties appearing:

For : Mr. and Mrs. Sandy Fletcher and John S. Chase

Against: Kenneth R. Lamkin as a representative of several property owners, and Dr. H. M. Ward

VI. Action of the Board : Change not recommended

For the following reasons:

1. This application is for a change of zoning on a portion of a lot at the northwest corner of Poquito and East 18th Street to permit the operation of a convalescent home for aged and crippled Negroes, the applicant affirming that there is a need for this type of home in the eastern section of the City and that she has had experience in nursing in the Holy Cross Hospital.
2. Opposition to this change was expressed by several property owners through Kenneth R. Lamkin, Attorney, on the grounds that the available "A" Residence property in this section of the City is limited and is being reduced below that needed to care for the citizens and that this property should remain as now classed to provide for private homes, that the need for this type of use is recognized but they do not consider this the proper location, and that the change would depreciate the value of their property for home purposes, and a petition to that effect was filed.
3. All of the property along Poquito Street is now zoned "A" Residence District and has been developed as such.
4. Considering the character of the neighborhood and the opposition voiced, the Board deemed that this area should be preserved as an "A" Residence District and that the granting of this application would introduce a spot zone and use not in character with the neighborhood, and that the size of the area to be changed is insufficient for the proper development of a convalescent home; and further deemed that, although there is a need for this kind of convalescent home for the Negro population, a different location with a larger tract should be devoted to this purpose where expansion would be possible and no adverse effects would be caused to surrounding property.

(Sgd) H. F. Kuehne
Chairman. #

Councilman Johnson moved that a public hearing on the above change in zoning be called for January 6, 1949, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The following report of the Board of Adjustment was received:

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant: Quentin Franks, by John E. Allen, Attorney

- I. Referred to the Board by the City Council on : November 24, 1948
- II. Property affected: Lots 4, 5, 6, 7, and 8, Block 2, Outlot 44, Division "B", being located at the southwest corner of Leon and West 25th Streets and locally known as 2404-10 Leon Street.
- III. To be changed:
- From : "A" Residence District and First Height and Area District
To : "B" Residence District and Second Height and Area District
- IV. Considered by the Board on : December 7, 1948
- V. Parties appearing:
- For : John E. Allen
Against: None
- VI. Action of the Board: Change recommended

For the following reasons:

1. This application is for a change of zoning on five lots located at the southwest corner of Leon and West 25th Streets as an extension of the present "B" Residence District in the southeast corner of the block, being also located across Leon Street from an existing "B" Residence District which extends to Guadalupe Street on the east.
2. The Board deemed this to be an extension of an existing "B" Residence District to include property which is potentially multi-family property and not any longer well adaptable for "A" Residence development since so much of the surrounding property is already "B" Residence and this extension would complete a uniform "B" Residence zone from West 24th Street to West 25th Street on both sides of Leon Street and extending eastward to Guadalupe Street, and that the alley west thereof would be the logical boundary line of this larger "B" Residence area.

(Sgd) H. F. Kuehne
Chairman *

Councilman Johnson moved that a public hearing on the above change in zoning be called for January 6, 1949, at 11:00 A. M. The motion carried by

the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
 Noes : None

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
 AUSTIN, TEXAS
 ZONING CHANGE RECOMMENDATION .

Applicant: H. Becker Estate, by H. Becker, Trustee

- I. Referred to the Board by the City Council on : November 24, 1948
- II. Property affected: West 150'x293.2' of Hermann Becker Estate, Outlot 7, Division "0", located at 305 through 313 Chicon Street
- III. To be changed:
 - From : "B" Residence District
 - To : "C" Commercial District
- IV. Considered by the Board on : December 7, 1948
- V. Parties appearing:
 - For : Herman Becker
 - Against: None
- VI. Action of the Board: Change recommended

For the following reasons:

1. This application is for a change of zoning on property located on the east side of Chicon Street south of and adjoining the industrial zone extending south from East 6th Street and across the street from the Austin Housing Project, the applicant affirming that he has had several requests for commercial establishments.
2. This property is a part of a larger tract owned by the Herman Becker Estate and lies between the present "E" Heavy Industrial District to the north, which is occupied by warehouses and other industrial uses, and the present Kerrville Bus shops at the corner of East 3rd and Chicon Streets, which has been in existence as a non-conforming use since 1937.
3. W. W. Stewart, Manager of the Housing Project, stated by telephone that he had no objection to the change to Commercial zoning but would object to extension of the Industrial zone.
4. In view of the existing conditions, the character of the property, and its location, and the trend of development in this area, the Board

deemed that this property is not well-suited for residential development and would be more properly zoned for commercial uses.

(Sgd) H. F. Kuehne
Chairman. #

Councilman Johnson moved that a public hearing on the above change in zoning be called for January 6, 1949, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

A renewal by North Millican of his application for a change in zoning, from "A" Residence District to "C" Commercial District of property located at 30th and Guadalupe Streets, known as Fountain Courts, was received. Councilman Johnson moved that the application be referred to the Board of Adjustment for consideration and recommendation, and that a public hearing on same be called for January 6, 1949, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of Southern Bedding Manufacturing Company and J. E. Griffith for change in zoning, from "A" Residence District to "C" Commercial District, of Lots 4 and 5, Block 3, Sunrise Addition, was received. Councilman Johnson moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in BROOKVIEW ROAD from a point 95 feet north of Crescent Drive northerly 211 feet, the centerline of which gas main shall be 6 feet east of and parallel to the west property line of said Brookview Road.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (2) A gas main in ROCKMOOR AVENUE from Cherry Lane southerly 149 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet east of and parallel to the west property line of said Rockmoor Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (3) A gas main in EAST 3d Street from a point 374 feet east of San Saba Street easterly 142 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said East 3d Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (4) A gas main in EAST 20TH STREET from Coletto Street westerly 406 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said East 20th Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (5) A gas main in FUNSTON STREET from a point 10 feet north of west 34th Street northerly 138 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Funston Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (6) A gas main in MEDINA STREET from East 6th Street southerly 184 feet, the centerline of which gas main shall be 22 feet west of and parallel to the east property line of said Medina Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (7) A gas main in NEW YORK AVENUE from a point 143 feet east of Coletto Street easterly 69 feet, the centerline of which gas main shall be $13\frac{1}{2}$ feet south of and parallel to the north property line of said New York Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (8) A gas main in ALAMO STREET from East 13th Street northerly 82 feet, the centerline of which gas main shall be $6\frac{1}{2}$ feet west of and parallel to the east property line of said Alamo Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (9) A gas main in FAIRMOUNT AVENUE from a point 465 feet east of Kenwood Avenue easterly 68 feet, the centerline of which gas main shall be 15 feet south of and parallel to the north property line of said Fairmount Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (10) A gas main in COMAL STREET from a point 40 feet north of Bob Harrison Street northerly 47 feet, the centerline of which gas main shall be 21 feet east of and parallel to the west property line of said Comal Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (11) A gas main in EAST 22nd STREET from a point 106 feet west of Alamo Street westerly 112 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said East 22nd Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (12) A gas main in EAST 50TH STREET from a point 64 feet west of Eilers Avenue westerly 46 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said East 50th Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (13) A gas main in MANOR ROAD ALLEY from Drury Lane westerly 15 feet, the centerline of which gas main shall be 7 feet south of and parallel to the north property line of said Manor Road Alley.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (14) A gas main in DRURY LANE from Manor Road Alley northerly 86 feet, the centerline of which gas main shall be 5 feet east of and parallel to the west property line of said Drury Lane.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

And that whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The City Manager submitted the following memorandum:

December 7, 1948

Memorandum to : Guiton Morgan, City Manager

Memorandum from: J. E. Motheral, Director of Public Works

Bids were received this morning for the purchase of 9 houses on East Avenue and 3 on San Gabriel Street. The high bids were as follows:

1.	1960 East Avenue -	- Payne & Wiley Co.	\$ 1,200.00
2.	2000 East Avenue -	- Fred Eby, Jr.	2,150.00
3.	2126 East Avenue -	- Tom Attal	1,226.55
4.	2212 East Avenue -	- Payne & Wiley Co.	900.00
5.	2408 East Avenue -	- Tony Glass	3,377.53
6.	3002 East Avenue -	- Fred Eby, Jr.	1,051.00
7.	3008 East Avenue -	- D. E. McArthur	2,799.00
8.	4714 East Avenue -	- Tom Attal	2,178.05
9.	4904 East Avenue -	- D. E. McArthur	4,225.00
10.	2908-B San Gabriel St.	Fred Eby, Jr.	551.00
11.	2910 San Gabriel St.	- Fred Hooper, Jr.	2,306.18
12.	2914 San Gabriel St.	- E. E. Fink	<u>4,458.50</u>
		Total -	\$26,422.81

We recommend that the houses be sold to the high bidders.

J.M. #

Councilman Bartholomew moved that the City Manager be instructed to sell the nine houses on East Avenue and the three houses on San Gabriel Street to the highest bidders, as recommended in the foregoing memorandum. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of TONY CARNATION, 313 Comal Street, for a taxicab driver's permit, approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
 Noes : None

The application of JAMES CLARENCE NICHOLS, 1908 East 9th Street, for a taxicab driver's permit, approved by the City Manager, was submitted. Councilman Long moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
 Noes : None

The application of HERMAN OWENS, JR., 1311 West 6th Street, for a taxicab driver's permit, approved by the City Manager, was submitted. Councilman Long moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
 Noes : None

The application of ALEXANDER'S CAFE and TAVERN, by Lauvenia and Tard Alexander, 2206 Webberville Road, for an on-premise wine and beer license, approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
 Noes : None

The application of CAPITOL LIQUOR STORE NO. 2, by J. Kopel, 621 Congress Avenue, for a package store license, approved by the City Manager, was submitted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
 Noes : None

The application of LaFIESTA, by L. F. Hogan, 806 Red River Street, for a wine and beer license, approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
 Noes : None

The application of ORLANDA, by Sadallah Manem, 509 Pedernales Street, for a retail dealer's "on-premise" beer license, approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
 Noes : None

The application of PEARL BAR, by Marselo Arocha, 1512 East 6th Street, for a wine and beer license, approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
 Noes : None

The application of SPORTS DRIVE INN, by Walter Bolton and Jack Hooper, 1709 East 12th Street, for a wine and beer license, approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
 Noes : None

Pursuant to published notice thereof, the public hearing on the application of H. Yerger, by E. H. Smartt, Attorney, to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "C" Commercial District to "C-1" Commercial District:

Lots 1, 2, 7, and 8, Block 118, Original City, and Lots 3, 4, 5, 6, and east half of 7, Block 119, Original City, located at 1011, 1013, 1015, and 1017 Red River Street, in the City of Austin, Travis County, Texas.

was duly opened.

The following appeared and spoke for the change:

E. H. Smartt, Attorney for proponent, plead for the change on the grounds that it is necessary that his client sell beer in connection with his restaurant in order to make a success of his business.

The following appeared and opposed the change:

Reverend P. F. Valdez, Pastor of the East Avenue Methodist Church, 810 East Avenue, protested the change on behalf of some of the members of his congregation living in that area, declaring that the sale of beer would not be beneficial to the neighborhood, and that there are enough beer parlors in the City now.

No other property owner or interested person desiring to be heard, the hearing was thereupon closed, and Councilman Long moved that the action of the Board of Adjustment be sustained and the change be granted, and the City Attorney be instructed to prepare the ordinance. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

Pursuant to published notice thereof, the public hearing on the application of Mrs. Agnes Kreuz to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "B" Residence District to "C" Commercial District:

The west 100 feet of Lot J, Original Lot 5, Unplatted, Outlot 23, Division C, in 3106 East Avenue, in the City of Austin, Travis County, Texas,

was duly opened.

The following appeared for the change: None

The following appeared to oppose the change:

Mrs. Scott Gaines and a large number of other property owners, who stated however, that they would not oppose the change if their property could be

rezoned as "C" Commercial also.

All property owners and other interested persons having been given an opportunity to be heard, the hearing was thereupon closed, and Councilman Johnson moved that the action of the Board of Adjustment be sustained and the change be granted, and the City Attorney be instructed to prepare the ordinance. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

A petition signed by Mrs. Scott Gaines and nine other property owners, asking that the property on the east side of East Avenue between East 30th and East 32d Streets be changed from "A" Residence District to "C" Commercial District, was received. Councilman Johnson moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

Pursuant to published notice thereof, the public hearing on the application of P. S. Mangum to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District:

Lots 10, 11, 12, 13, 14, 15, and 16, Forest Hills "B",
located in the 2300 block of Manor Road, in the City
of Austin, Travis County, Texas,

was duly opened.

No property owner or other interested person appearing to protest the proposed change, the hearing was thereupon closed, and Councilman Bartholomew moved that the action of the Board of Adjustment be sustained and the change be granted, and the City Attorney be instructed to prepare the ordinance. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

Pursuant to published notice thereof, the public hearing on the application of Edwin M. Dezendorf and S. C. Bilbrough to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District:

A certain tract of land located at the southeast corner
of the intersection of Manor Road and Maple Avenue, being
in the name of Edwin M. Dezendorf, and fronting 244 feet
on Manor Road, in the City of Austin, Travis County, Texas,

was duly opened.

No property owner or other interested person appearing to protest the proposed change, the hearing was thereupon closed, and Councilman Bartholomew

moved that the action of the Board of Adjustment be sustained and the change be granted, and the City Attorney be instructed to prepare the ordinance. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

Pursuant to published notice thereof, the public hearing on the application of Capitol Lodge No. 23, Independent Order of Odd Fellows to amend the Zoning Ordinance in the following particulars:

To amend the USE designation of the following described property so as to change the same from "B" Residence District to "C" Commercial District:

East 100 feet of Lots 5 and 6, Outlot 44, Division "B", located at the corner of 18th Street and Congress Avenue, in the City of Austin, Travis County, Texas,

was duly opened.

The following appeared for the change:

Wright Stubbs, E. Ahlgrimm, Fred W. Norman, Judge C. A. Wheeler, and several other members of Capitol Lodge No. 23, Independent Order of Odd Fellows, who plead for the change on the grounds that the property was used for commercial purposes before the Lodge acquired same, and they are merely asking that it be changed from its present non-conforming use to commercial use to enable them to secure a loan for the erection of a new, modern, fire-proof building that will be more attractive to the neighborhood and a safer place for the operation of the pressing and cleaning plant.

The following appeared against the change:

Mrs. Louise Tittle and Mrs. F. M. Priest, who protested the change on the grounds that it is an old residential area; that it would be spot zoning, as there is no other commercial establishment in this particular district; and that the cleaning and pressing plant is very obnoxious, the fumes and heat from same being almost unbearable; and that a business of this nature should not be allowed in a strictly residential section.

A petition bearing the signatures of 27 property owners protesting the change was also submitted.

All property owners or other interested persons having been given an opportunity to be heard, it was moved by Councilman Johnson that the hearing be closed and the action of the Board of Adjustment be unsustainable and the change from "B" Residence to "C" Commercial be granted for the purpose of making the building a safer and better place. The motion lost by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Mayor Miller
Noes : Councilmen Glass and Long

Following further discussion of the matter, a motion by Mayor Miller that the Council rescind its action on the foregoing zoning change carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Long, Mayor Miller
Noes : Councilman Glass

It was then moved by Councilman Glass that public necessity, convenience, and safety demand that the building of the Capitol Lodge No. 23, Independent Order of Odd Fellows, which is unsafe for use, be remodeled and made less objectionable and as safe as possible for the benefit of the neighborhood; and that this be done by variance. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The Mayor laid before the Council the following resolution:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the assessed values for 1947 of the property herein described be adjusted as indicated below:

<u>Description of Property</u>	<u>Values heretofore fixed</u>	<u>Adjusted Values</u>
W. 45' of Lot 32, Pease Estates #3 (Land)	\$ 980.00	\$ 880.00
Lot 29, Pease Estates #3 (Land)	1,630.00	1,470.00
Lot 30, Pease Estates #3 (Land)	1,630.00	1,470.00
Lot 31, Pease Estates #3 (Land)	1,630.00	1,470.00
Lot 4, Block 7, Westfield "A" (Land)	2,000.00	1,900.00
Lot 5, Block 7, Westfield "A" (Land)	1,920.00	1,920.00
Lot 6, Block 6, Westfield "A" (Land)	2,190.00	2,190.00

The resolution was adopted by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The Mayor laid before the Council the following resolution:

(RESOLUTION)

That the assessed values for 1947 of the property herein described be adjusted as indicated below:

<u>Description of Property</u>	<u>Values heretofore fixed</u>	<u>Adjusted Values</u>
3.47 acres, Spear Unplatted (Land)	\$22,140.00	\$21,340.00
(Plat 147, Item 109) (Improvements)	10,140.00	10,140.00

The resolution was adopted by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The Mayor laid before the Council the following resolution:

(RESOLUTION)

WHEREAS, the improvements on 48'x100', (T), Outlot 61, Division B, Plat 34, Item 101, were assessed at \$720.00 each year for the years 1928, 1929, 1930, 1931, and 1932 were assessed at \$610.00 each year for the years 1933, 1934, 1935, and 1936; and

WHEREAS, at the request of the Legal Department, on February 21, 1946, the appraisers of the Tax Department inspected and appraised the said improvements and recommended the reduction of the assessable valuation of these improvements from the above-mentioned assessable valuations to an assessable valuation of \$250.00; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the assessed valuation of the improvements located on the above described property be reduced to \$250.00 for each year that taxes are delinquent on said improvements.

The resolution was adopted by the following vote:
Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

Upon motion, seconded and carried, the meeting was then recessed, subject to call of the Mayor.

Approved: Tom Miller
MAYOR

Attest:
Shelia M. Allen
CITY CLERK